



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

July 5, 2016

Norman MacLeod
MacLeod Consulting Services
28205 Bluebell Drive
Laguna Niguel, CA 92677

**REGARDING: CONDITIONAL USE PERMIT NO. RPPL2016000526-(1)
 509 N. AZUSA AVENUE, PUENTE ZONED DISTRICT (APN: 8262-007-078)**

Hearing Officer Patricia Hachiya, by her action of **July 5, 2016**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **July 19, 2016. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Jolee Hui of the Zoning Permits East Section at (213) 974-6435, or by email at jhui@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement, Kaitz Family Trust (property owner)
MM:JH

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT NO. RPPL2016000526-(1)**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on July 5, 2016 in the matter of Conditional Use Permit No. RPPL2016000526.
2. The applicant, Sprint Nextel ("permittee"), is requesting a Conditional Use Permit ("CUP") to authorize the continued operation and maintenance of an existing unmanned wireless telecommunications facility ("WTF") within a commercial property located at 509 N. Azusa ("subject property") in the C-1 (Restricted Business) Zone pursuant to Los Angeles County Code ("County Code") Section 22.24.100.
3. The subject property consists of one lot, 0.65 acre (28,362 square feet) in size and is shaped rectangular with general flat topography. It is located on Assessor's Parcel Number (APN) 8276-007-078.
4. The subject property is located within the Puente Zoned District and within the unincorporated community of Valinda.
5. The subject property is designated within the CG - General Commercial land use category of General Plan 2035. The WTF is consistent with this category, which allows infrastructure and service facilities to serve surrounding developments.
6. Primary access is provided through a driveway on Azusa Avenue. A non-exclusive parking space is available for vehicle use during routine maintenance visits.
7. The subject property is developed with a one-story retail commercial building in the eastern portion of the property, two smaller attached buildings on the northwest corner, and a surface parking lot directly south of the retail building. The existing WTF is located in the southwest corner of the property.
8. The site plan depicts the existing WTF ("Project") consisting of 18 panel antennas and two microwave dishes mounted at the top and middle rad centers on an 80-foot high monopole. A group of six panel antennas (2 per sector) and nine remote radio heads (3 per sector) does not exceed an elevation of 70 feet and another group of 12 panel antennas (4 per sector) and two microwave dishes does not exceed an elevation of 80 feet above ground level. The equipment cabinets are located at the base of the monopole within the lease area ("Project Site") enclosed by rolled wood over chainlink fencing. The antennas mounted at the bottom rad center at a height of 58 feet are operated by a different carrier and permitted under CUP No. 200600162. No changes are currently proposed.
9. The WTF was originally established by CUP No. 95-108-(1) approved on January 30, 1996 and expired on January 30, 2016.

10. There is no history of zoning violations associated with the previous CUP No. 95-108-(1).
11. Surrounding properties within a 500-foot radius of the subject property are zoned as follows:
- North: C-1 (Restricted Business); R-3-DP (Limited Density Multiple Residence – Development Program); A-1-6000 (Light Agricultural – 6,000 Square Feet Minimum Required Lot Area)
 - South: C-1; A-1-6000
 - East: C-1; A-1-5 (Light Agricultural – Five Acre Minimum Required Lot Area)
 - West: C-1; A-1-6000
12. Surrounding existing land uses within a 500-foot radius of the subject property include:
- North: Commercial; church, single-family and multi-family residential;
 - South: Vacant land; commercial; multi-family residences;
 - East: Church; multi-family residences; single-family residences;
 - West: School; multi-family residential.
13. The nearest residence is approximately 130 feet south of the existing WTF.
14. The Project is consistent with the County's policy to encourage co-location of WTF to reduce visual impacts and the proliferation of monopoles.
15. As the Project is an existing facility with no significant changes proposed, consultation with other County departments are not required.
16. The WTF is required to provide written verification that the proposed facility's radiofrequency radiation and electromagnetic field emissions will fall within the adopted Federal Communications Commission (FCC) standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this CUP.
17. The WTF will operate in compliance with all applicable local, state, and federal regulations. The radio frequency exposure generated by the facility shall comply with standards adopted by FCC.
18. Prior to the Hearing Officer's public hearing on the Project, Department of Regional Planning ("Regional Planning") staff determined that the Project qualified for a Categorical Exemption, under the Class 1 — Existing Facilities, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) ("CEQA"), the CEQA Statute and Guidelines, and the Environmental

Document Reporting Procedures and Guidelines for the County, because the Project is the continued operation and maintenance of an existing wireless facility, with negligible or no expansion of use beyond that which was previously existing.

19. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearing by mail, newspaper, and property posting.
20. Prior to the Hearing Officer's public hearing, the Regional Planning staff received no public comment related to the Project.
21. A duly noticed public hearing was held on July 5, 2016 before the Hearing Officer. The applicant's representative, Norm MacLeod, presented in favor of the request and stated his understanding of the terms and conditions of the grant. There being no further testimony, the Hearing Officer closed the public hearing, found the Project to be categorically exempt and adopted the recommended conditions by staff and agreed by the applicant.
22. The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan 2035. The subject property is designated within the CG-General Commercial land use category of the General Plan 2035. This land use category is intended for local-serving commercial uses, including retail, restaurants, and personal and professional services; single-family and multi-family residences; and residential and commercial mixed uses. Local infrastructure is also allowed within this land use category to support the surrounding developments. The Project is an existing facility located within an existing retail commercial property and is therefore consistent with the permitted uses of the underlying land use category.
23. The Hearing Officer finds that the Project is appropriately situated to minimize the visual impacts to the surrounding neighborhood. The Project is located in the rear of a commercial property approximately 200 feet away from the public right-of-way. The Project is setback from the front property line to the maximum extent possible to minimize its visual presence from public view. Several palm trees located immediately adjacent to the lease area and the retail building provide screening to the Project. The Project is also immediately buffered by a vacant lot to the south, commercial buildings to the north, surface parking lots to the east and west. The nearest residence is approximately 130 feet south of the WTF and is buffered by a vacant lot.
24. The Hearing Officer finds that the continued operation and maintenance of the existing WTF will not be detrimental to the surrounding community. The WTF provides valuable telecommunications infrastructure to the community and is consistent with the established use and zoning requirements for the subject property. The ability to make emergency calls is important in any environment. The coverage provided by the existing WTF is beneficial for the public and emergency personnel.

25. The Hearing Officer finds that the Project is consistent with the development standards of the C-1 Zone. As set forth in Section 22.28.110 of the County Code, development of radio and television stations and towers is a permitted use in the C-1 Zone provided that a CUP is first obtained. Furthermore, the Project is consistent with the County's Subdivision & Zoning Ordinance Policy Memo No. 01-2010 (dated July 26, 2010) that establishes policies and guidelines regarding the siting, visual screening, and maintenance of WTFs. The WTF is screened by adjacent palm trees, buildings, and is setback from the front property line to the maximum extent possible to minimize its visual presence from the public right-of way.
26. The Hearing Officer finds that the requested use at the location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The Project will not affect the health or safety of the surrounding community because the Project does not include any alteration to existing conditions at the Project Site. The Project will not result in an increase in noise, odor, dust, glare, or shadows because there are no proposed changes. The Project presents no additional risk of fire hazard since there are no proposed changes.
27. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate all project components. The associated equipment shelter is contained within the enclosed lease area and does not require the expansion of the Project Site.
28. The Hearing Officer finds that the Project is adequately served by improved local roads and highways to carry the kind and quantity of traffic such use would generate and by other public or private service facilities as are required. The existing WTF is unmanned. The Project will not increase the flow of traffic or impact parking because the applicant does not propose any changes or alterations to the existing site. The site is visited on average once a month for maintenance. The frequency of these visits is not projected to change. There is non-exclusive parking in the vicinity to accommodate the monthly maintenance vehicle.
29. The Hearing Officer finds that it is necessary to limit the term of the grant to fifteen (15) years to assure the continued compatibility between the use of the Project Site allowed by this grant and surrounding land uses.
30. Pursuant to Sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the West Covina Public Library located in the vicinity of the subject property. On May 25, 2016, a total of 92 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, including 12 notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.

31. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Statute and Guidelines (Class 1 — Existing Facilities categorical exemption); and
- 2. Approves Conditional Use Permit No. RPPL2016000526, subject to the attached conditions.

ACTION DATE: July 5, 2016

MM:JH
July 5, 2016

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT NO. RPPL2016000526-(1)**

PROJECT DESCRIPTION

The grant authorizes the continued operation and maintenance of an existing unmanned wireless telecommunications facility consisting of an 80-foot high monopole and appurtenant equipment located at 509 N. Azusa Avenue in the unincorporated community of Valinda. This grant is subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on July 5, 2031.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty-(30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the wireless telecommunications facility and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken

on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$1,600.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56 Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the Project Site in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **September 5, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT-SPECIFIC CONDITIONS – CONDITIONAL USE PERMIT (WIRELESS TELECOMMUNICATION FACILITY)

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. The permittee shall provide upon request to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other wireless telecommunication facilities are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said wireless telecommunication facilities.
21. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
22. Any proposed wireless telecommunication facilities that will be co-locating on the facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.
23. All structures shall conform to the requirements of the Department of Public Works Division of Building and Safety or other appropriate agencies.

24. All existing external lighting shall remain appropriately screened and in good repair. If any new external lighting is proposed, including security lighting, it shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole-mounted lighting for the wireless telecommunications facility is prohibited on the leasehold. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the Federal Aviation Administration.
25. The subject property is adjacent to single-family residences; therefore maintenance of the facility shall be limited to the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. Emergency repairs of the facility may occur at any time.
26. Placement and height of all antennas and equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall remain essentially as depicted in the site photographs presented at the public hearing.
27. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways.
28. The maximum height of the facility shall not exceed 80 feet above finished grade, as shown on the Exhibit A.
29. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
30. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
31. Appurtenant equipment boxes shall be screened or camouflaged.
32. The facility shall be secured by fencing, gates and/or locks. All new or replacement fencing or walls used for screening or securing the facility shall be composed of wood, vinyl, stone, concrete, stucco or wrought iron. Chain links, chain link with slats, barbed and other types of wire fencing are prohibited.
33. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired by the permittee within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced by the permittee within 30 days of notice. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.

34. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
35. The FCC Antenna Structure Registration site number, conditional use permit number, primary leaseholder's and facility manager's contact information shall be kept current and prominently displayed on the facility where it can be easily viewed from ground level.
36. Upon termination of this grant or after the facility has ceased to operate, the permittee shall remove such facility and clear the site of all equipment within six months of the cease-of-operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility.